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SERVICE DATE – DECEMBER 27, 2016

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 337 (Sub-No. 9X)

DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION—ABANDONMENT
EXEMPTION—IN SCOTT COUNTY, IOWA

Decided: December 23, 2016

Dakota, Minnesota & Eastern Railroad Corporation d/b/a Canadian Pacific (DM&E) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a 1.95-mile rail line referred to as the Eldridge Line, between milepost 7.52 +/- and milepost 9.47 +/- in Scott County, Iowa. Notice of the exemption was served and published in the Federal Register on October 7, 2016 (81 Fed. Reg. 69,896). The exemption became effective on November 10, 2016.

In an Environmental Assessment (EA) served October 14, 2016, the Board's Office of Environmental Assessment (OEA) found, pursuant to 36 C.F.R. § 800.4(d)(1), that no historic properties listed in or eligible for listing in the National Register of Historic Places (National Register) would be affected by the proposed abandonment and invited the State Historical Society of Iowa (SHPO) to concur with that finding within 30 days. To provide the SHPO and others sufficient time to comment, OEA recommended that the Board impose a historic preservation condition under Section 106 of the National Historic Preservation Act (NHPA) requiring DM&E to: (1) retain its interest in and take no steps to alter the historic integrity of all historic properties, including sites, buildings, structures, and objects within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (National Register) until the Section 106 process of the National Historic Preservation Act has been completed; (2) report to OEA regarding any consultations with the State Historical Society of Iowa (SHPO) and the public; and (3) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed the condition. The Board imposed the recommended condition by decision served on November 9, 2016.

In a Supplemental Final Environmental Assessment dated December 5, 2016, OEA states that it did not receive any comments related to historic properties. OEA further states that because the SHPO did not object to OEA's finding within the 30-day review period, OEA concludes that the Board's responsibilities under Section 106 of the NHPA have been completed. OEA therefore recommends that the Section 106 condition be removed.

Accordingly, based on OEA's recommendation, this proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the Section 106 historic preservation condition imposed in the November 9, 2016 decision is removed.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.